

Message Text

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PAGE 01 STATE 236938

61

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EPA-01 IO-04 NSF-01 OES-02 FEA-01 CG-00 ACDA-05 AEC-05

AGR-05 DOTE-00 FMC-01 INT-05 JUSE-00 OMB-01 EUR-08

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FM SECSTATE WASHDC

TO AMEMBASSY NASSAU

C O N F I D E N T I A L STATE 236938

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: CONTINENTAL SHELF DELIMITATION; SPINEY LOBSTER

REF: (A) NASSAU 1714; (B) NASSAU 1778; (C) NASSAU A-255

1. DEPARTMENT IS HESITANT TO ENTER INTO BILATERAL SHELF
DELIMITATION NEGOTIATIONS AT THIS TIME WITH GCOB FOR REASONS
SET FORTH HEREIN. EMBASSY COMMENTS WELCOME.

2. DELIMITATION ISSUES COULD COMPLICATE OR UPSET AGREEMENT
ON COMMON ARCHIPELAGO POSITION FOR LOS CONFERENCE. AS OF
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PAGE 02 STATE 236938

NOW, WE EXPECT RECORD TO SHOW THAT ARCHIPELAGO PRINCIPLE

DOES NOT PREJUDICE DELIMITATION ISSUE (OUTSIDE ARCHIPELAGO). IT IS POSSIBLE USG WILL NOT RPT NOT AGREE THAT MEDIAN LINE MEASURED FROM BAHAMAS ARCHIPELAGIC LINES IS APPROPRIATE, PARTICULARLY IN MORE NORTHERLY AREAS, IN VIEW RELATIVE LENGTHS U.S. AND BAHAMIAN COASTS, WHICH ICJ IDENTIFIED AS RELEVANT FACTOR. MOREOVER, BEFORE USG "RECOGNIZES" ARCHIPELAGO IN LOS TREATY, AGREEING TO USE ARCHIPELAGIC LINE AS MEASURING POINT FOR DELIMITATION, EVEN IF NOT MADE EXPLICIT, TO SOME EXTENT PREJUDICES OUR NON-RECOGNITION POSTURE, WHICH WE ARE REQUIRED TO MAINTAIN. WE HAVE NOT TESTED DOMESTIC ATTITUDES ON DELIMITATION AND IT IS ENTIRELY POSSIBLE THAT POLITICAL INTEREST IN DELIMITATION WILL DEVELOP. SHOULD THIS BE THE CASE, DELIMITATION NEGOTIATION COULD STIMULATE DOMESTIC OPPOSITION TO ARCHIPELAGO SETTLEMENT WITH BAHAMAS.

3. DELIMITATION WITH BAHAMAS, BECAUSE OF NATURE OF AREAS AFFECTED, WOULD NECESSARILY BE BASED ON SOME ASSUMPTIONS REGARDING EXTENT OF SHELF AND EXISTENCE OF ECONOMIC ZONE, WHICH WE WOULD PREFER NOT TO MAKE PRIOR TO CONCLUSION LOS NEGOTIATIONS IF POSSIBLE.

4. VERY CONSIDERABLE STUDY WILL BE NEEDED BEFORE USG DECIDES ITS POSITION IN BILATERAL DELIMITATION NEGOTIATIONS ON WEIGHT TO BE ACCORDED SMALL ISLANDS, AS THIS ISSUE ARISES FOR U.S. IN CANADIAN, SOVIET, AND CUBAN CONTEXTS AS WELL, AND CUTS BOTH WAYS. THIS INVOLVES DETERMINATION OF LIKELY VALUE TO U.S. OF AREAS AFFECTED, AND WHETHER EFFECTIVE DISTINCTIONS CAN BE MADE. CAREFUL STUDY WILL ALSO BE NEEDED OF ECONOMIC ASPECTS OF THE SUBSTANCE OF A U.S.-BAHAMAS DELIMITATION, PARTICULARLY INsofar AS HYDRO-CARBON POTENTIAL MAY BE INVOLVED.

5. U.S. NEIGHBORS, INCLUDING CANADA, HAVE THUS FAR AVOIDED COMPLICATING LOS NEGOTIATIONS WITH BILATERAL DELIMITATION ISSUES. IF BILATERAL NEGOTIATIONS REACH AN IMPASSE, THE TEMPTATION FOR GCOB TO RAISE ISSUE IN LOS WILL INCREASE, THOUGH WE APPRECIATE THAT GCOB MIGHT TRANSFER THIS SUBJECT TO LOS FORUM SHOULD WE REFUSE BILATERAL DISCUSSION OF IT WITH THEM. LOS CONFERENCE IS NOT NECESSARILY THE BEST FORUM TO PROTECT OUR INTERESTS ON THIS MATTER. U.S. CONFIDENTIAL

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PAGE 03 STATE 236938

POLICY AND INSTRUCTIONS ARE TO DISCOURAGE DETAILED TREATMENT OF DELIMITATION ISSUES AT LOS CONFERENCE, WHICH OTHERS HAVE INTRODUCED, AND WHICH MAY DISRUPT THE CONFERENCE AND PUT THE U.S. IN A DIFFICULT POLITICAL SITUATION (E.G. CERTAIN ASPECTS OF THE INTENSE GREEK-TURKEY DISPUTE OVER THE WEIGHT TO BE ACCORDED SMALL ISLANDS WOULD BE COMMON TO POTENTIAL U.S.-BAHAMAS AND CUBA-BAHAMAS ISSUES).

6. THE NATURE OF THE SPINEY LOBSTER FISHERY IS SUCH THAT, IN PRACTICAL TERMS, THERE IS NO NEED FOR A PRECISE KNOWLEDGE OF THE BOUNDARIES OF THE BAHAMAS CONTINENTAL SHELF. TYPICALLY THE FISHERY IS CONDUCTED IN WATERS LESS THAN 50 METERS DEEP.

7. IN ADDITION TO PERSONNEL REQUIREMENTS OF LOS NEGOTIATIONS DELIMITATION ISSUES WITH CANADA, PARTICULARLY IN GULF OF MAINE WHERE DISPUTE HAS DEVELOPED AND HYDROCARBON POTENTIAL AND FISHERIES INTERESTS INVOLVED, MAY REQUIRE MORE URGENT ATTENTION OF PERSONNEL FAMILIAR WITH DELIMITATION PROBLEMS.

8. OUR PRELIMINARY VIEW OF SCENARIO IS AS FOLLOWS. (A) IN COURSE OF ARCHIPELAGO DISCUSSIONS, WE WOULD POINT OUT TO GCOB THAT ABSENCE OF A SATISFACTORY ARRANGEMENT ON SPINEY LOBSTER COULD HAVE ADVERSE IMPACT ON ARCHIPELAGO ISSUE.

WE MUST KEEP IN MIND PARTICIPATION OF U.S. FISHERIES INDUSTRY IN AN ADVISORY CAPACITY IN U.S. LOS POLICY FORMULATION AND THE IMPORTANT ROLE INDUSTRY EXERCISES IN INFLUENCING CONGRESSIONAL ATTITUDES ON LOS ISSUES. WE WOULD HOPE THAT SAME CONCILIATORY ATTITUDES THAT HAVE AIDED USG AND GCOB IN REACHING ACCOMMODATION ON BAHAMAS ARCHIPELAGO INTERESTS IN ONGOING LOS NEGOTIATIONS WOULD ALSO PREVAIL ON SPINEY LOBSTER QUESTION WHICH IS IMPORTANT TO BOTH NATIONS. WE THEREFORE HOPE TO BE ABLE TO ACHIEVE TIMELY BILATERAL AGREEMENT ON SPINEY LOBSTER WHICH WILL PROVIDE FOR SMOOTH TRANSITION TO SITUATION CREATED BY GCOB DECLARATION. (B) NO MENTION WOULD BE MADE OF SHELF DELIMITATION IN EITHER NEGOTIATION. IF ASKED, WE WOULD REPLY THAT WE ARE OF COURSE WILLING TO COMMENCE NEGOTIATIONS ON MATTER AT A MUTUALLY CONVENIENT TIME, BUT CONFIDENTIAL

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PAGE 04 STATE 236938

THAT GREAT DEAL OF TECHNICAL PREPARATION IS NEEDED FOR SHELF DELIMITATION, THAT IT WOULD BE PREFERABLE TO KNOW LOS CONFERENCE RESULTS ON GENERAL EXTENT OF COASTAL STATE ECONOMIC AND SHELF JURISDICTION, THAT WE SEE NO PARTICULAR URGENCY ON DELIMITATION QUESTION. FYI: SHOULD GCOB SEE URGENCY, WE WOULD OF COURSE REVIEW MATTER. HOWEVER, PROXIMATE RESOLUTION OF IMPORTANT ARCHIPELAGO ISSUES OUGHT NOT TO BE DISTURBED BY THESE OTHER BILATERAL NEGOTIATIONS. END FYI

9. REFTTEL (B) SUGGESTS LIKELIHOOD SPINEY LOBSTER DECLARATION COULD PRECEDE ARCHIPELAGO TALKS. DEPARTMENT BELIEVES SCENARIO OUTLINED IN PARA 8 ABOVE IS PREFERABLE IN DEALING WITH SPINEY LOBSTER PROBLEM AND REQUESTS EMBASSY ASSESSMENT OF POSSIBILITY OF OBTAINING GCOB

AGREEMENT TO POSTPONE DECLARATION OR AT LEAST ITS
ENFORCEMENT UNTIL ARCHIPELAGO MEETING CAN TAKE PLACE. IF
THIS NOT POSSIBLE, BELIEVE WE WILL HAVE TO REQUEST
IMMEDIATE NEGOTIATIONS ON SPINEY LOBSTER USING LINE OF
REASONING IN PARA 8(A) ABOVE AS SPINEY LOBSTER DISPUTE
COULD JEOPARDIZE SUCCESSFUL LOS CONSULTATIONS AND IMPACT
ON OTHER BILATERAL ISSUES. INGERSOLL

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